

DISTRICT V ADVISORY BOARD – DISTRICT V

Minutes December 4, 2000

The District V Advisory Board meeting was held at 7:00 p.m. at the Sedgwick County Extension Center, 21st Street & Ridge Road

Members Present

David Almes
Bob Bulman
Sean Cash
Maurice Ediger
Fran Hoggatt
Margarita Farelle-Hunt
Andy Johnson
Vince Miller
Texanita Randle
Council Member Bob Martz

Members Absent

David Dennis
Bob Sorenson

Staff

Carl Gipson, Public Works
Mike Lindebak, Public Works
Rian Harkin, Public Works
Robert Lacy, Police
David Warren, Water & Sewer
Neil Cable, Water & Sewer
Dana Brown, City Manager's Office

Council Member Bob Martz called the meeting to order at 7:02 p.m. and welcomed the public to the District V Advisory Board (DAB) meeting. He explained the purpose of the DAB as an advisory board to him as the 5th District City Council Member. **Council Member Martz** also emphasized that the meeting will be conducted in the same manner as a City Council meeting with appropriate conduct by all.

Approval of the minutes for the November 4th meeting was postponed. The agenda was approved as written.

Public Agenda

- 1. Scheduled items** - No items were scheduled for the Public Agenda.
- 2. Off-agenda items** - No items were presented for the Public Agenda.

Staff Presentations

3. NW Sewer Treatment Plant

David Warren, Director of the Water & Sewer Utilities Department, introduced **Bruce Barnes, Professional Engineering Consultants (PEC)**, as the City's consultant for the design and construction of the Northwest Sewer Improvements and provided a handout to all Board Members. **Barnes** explained that the program for improvements included seven (7) collection

system projects that would flow into the new sewer plant to be constructed at the northeast corner of 135th W. and 21st Street N. Barnes reviewed each collection project as listed in the handout including the location, construction schedule, and estimated cost. Barnes also reviewed the plans and current status for each of the three (3) phases of plant site projects. Construction bids for Phase One have been let and will involve mainly earthwork for the inlet. The fill dirt will then be used in other aspects of construction. Construction is scheduled to begin in April 2001 for Phase Two (2) including three cells and Phase Three (3) including the plant itself, wetland areas, and a shelter for tour groups.

Steve Perry, PEC, provided greater detail about the plans for the plant site including public use for schools and study groups. Three (3) cells of wetland will enhance the existing wetland area. Variations of water depth will be formed to attract a variety of waterfowl and encourage the growth of vegetation. A low-water crossing will provide passage over the Cowskin Creek on the east. Stations with signage located along paths will inform the public about environmental issues and identify vegetation. Native prairie grasses will be planted in the open areas to attract wildlife.

Warren added that the Environmental Director for the Kansas Department of Health & Environment (KDHE) had stated the Northwest Sewer Improvements will serve as an environmental model for other sewer treatment plants in Kansas due to the integration of the newest concepts and technologies. He stated that United School District 259 and Wichita State University would be involved in developing the educational aspects and that a grant from the Kansas Department of Wildlife and Parks would help develop the wildlife areas.

Hoggatt asked which entity would be responsible for maintenance. Warren answered that the City would be responsible with the Water & Sewer Department maintaining the plant and the Parks & Recreation Department maintaining the grounds.

Action: Received and filed.

Planning Agenda

4. No items presented.

Public Works Agenda

5. Request for street closure

Carl Gipson, Public Works Engineer, reported that the Public Works Department had hosted an Open House in March 2000 to provide public information on the Kellogg expansion. As a result, staff received several public requests to close the street exits for Bryon, Keith, and Seville. Staff does not recommend closing Seville but would be open to consideration of closing the exits for Bryon and Keith Streets, and would like input from the DAB. Gipson identified several traffic and neighborhood factors that staff considered for the impact on traffic and neighborhoods.

A question was asked from the public about how motorists would access Lark Street. **Gipson** stated that a frontage road from Lark to Maize Road would provide the access.

Bulman asked if traffic would only be able to travel west from the Seville entrance onto Kellogg. **Gipson** stated that again, a frontage road would be used to access an eastbound entrance onto Kellogg. **Hoggatt** expressed a concern that the traffic path might be confusing but **Gipson** said that the City would be constructing this type of system throughout the Kellogg Expansion project so it will be consistent. **Bulman** asked if the residents in the area of the streets proposed for closing were the requestors, and **Gipson** clarified that only the residents of Westfield and Seville Streets signed the request. **Ediger** asked how the abandoned roads handled; **Gipson** responded that the City would become the property owner and the use would be determined by the marketability of the area. **Almes** asked when construction would begin; **Gipson** stated that the goal was for it to begin in January 2002 with a projection of two and one-half years to complete. **Cash** asked if any funding from the Kansas Department of Transportation (KDOT) is committed; **Gipson** said that the project is 100% locally funded with a current proposal of \$10 million from the County and \$70 million from local sales tax. He also noted that the City is pressing KDOT for assistance with the I-235 Exit. **Gipson** explained that once this portion of the project is complete, motorists would be able to travel from 119th Street West to Edgemore Street without a stoplight.

Other questions were asked regarding the abandonment of the railroad track in the area of the west expansion, approximately from Hoover to 135th Street West. **Gipson** stated that the railroad would be rerouted to Kingman, the easement would become City property, and a road would be built between 135th and Hoover.

Jack Dumcum, 10629 Carr Lane, asked if a frontage road is planned between Lark and Maize Road, would a stoplight be placed at Kellogg to allow traffic to turn east toward 119th Street. **Gipson** replied that with the Kellogg expansion, access onto Kellogg from Lark would no longer be possible. Instead, a one-way east frontage road would be constructed between Lark and Maize Road and motorists wanting to access Kellogg from Lark would be required to travel east on the one-way frontage road to Maize Road where they would use the existing stoplight at the Maize and Kellogg intersection. From there, they will be able to travel west toward 119th Street, continue north on Maize Road, or travel east on Kellogg.

Ediger (Hunt) made a motion that Keith and Westfield Streets be closed and that Seville Street be left open. (9-0).

Action: Recommend that exits off Kellogg to Bryon and Keith Streets be closed as part of the Kellogg Expansion Project (9-0).

6. Paving Proposal

Mike Lindebak, Public Works Engineering, presented a proposed project to pave Carr between Lark Lane and Stony Point Lane. He talked about the history of unsuccessful efforts to have the half-block portion approved for paving. Lindebak explained that the conditions meet the qualifications for an "order-in" project in that the streets east of Carr, Lark and Maize, are paved and the street area covers less than one (1) block. The cost of the project per property

owner would be \$7,800 spread over fifteen (15) years, figured at 8.6 cents per foot. The project includes all properties adjacent to Carr and parallel to Carr. **Council Member Martz** also noted that reoccurring requests from property owners in the area had been received to complete the paving of the street.

With no Board Member questions, **Council Member Martz** asked the public if any had questions. **Jeff Dumcum, 1843 S. Turner, Stoney Point Subdivision**, asked which property owners would be asked to pay. **Lindebak** reported that in Kansas, the property owners located on the front of the block and the side streets pay. **Dumcum** asked if the paving was in association with the Kellogg expansion. **Lindebak** stated there was no relationship of the Carr paving project to the Kellogg expansion project. **Council Member Martz** further explained that a set procedure following the State statute is followed for identifying the property owners. **Emil Beilman, 1720 S. Lark Lane**, stated that although he lives in the middle of the block, he is retired and paying for the project would pose a hardship for him. **Lindebak** reported that there are special arrangements for property owners who meet income qualifications. **Charles Schmidt, 10615 Carr**, stated that the project was proposed in 1996 and now concerns have increased due to the growth of the three (3) businesses nearby. Special issues include parking in the street and a high traffic volume from 3:30-5:00, impacting the residential area and causing dust. **Lindebak** noted that the expansion of Kellogg will reduce the traffic on Carr because there will be no way to turn west without staying on Maize Road to the stoplight at Kellogg. In addition, **Lindebak** stated that the situation should also improve with Kellogg becoming above-grade at the interchange. **Schmidt** replied that with the changes, the concern might become traffic congestion.

Swanson, 1820 S. Lark, stated that paving of Carr is not a neighborhood project because the street will become an access street for all who live west of Lark. **Lindebak** again stated that the frontage road to be constructed parallel to Kellogg will be the access street to Kellogg interchange at Maize Road. **Council Member Martz** added that another option will be for the area residents to drive west to 119th Street interchange to Kellogg. **Jan Dumcum, 10629 Carr**, stated that people have a choice now—that they can turn on Lark from Kellogg but the people who use Carr now will continue to use it, making the street a paved raceway. The residents to the north don't currently use Carr but would be required to pay. **Council Member Martz** again stated that the assessment procedure used is a fair one. **Lindebak** added that the procedure is consistently used throughout the city. **Wes Sears, 1900 S. Lark Lane**, stated that his property is used as agricultural land for horses with no driveways into property; he felt the assessed properties were too far south. **Council Member Martz** and **Lindebak** again reminded the public about the assessment deferral program available to property owners with hardships in which the assessment would be applied to the property but no payment required until the property is sold. At that time, the assessment charges would be transferred to the new property owner as a special assessment in accordance to Kansas Statute.

Charles Schmidt, 10615 Carr, asked if there were any other choices such as requiring the nearby businesses to help pay since Carr is heavily traveled by their employees. **Lindebak** stated that the assessment procedure utilized is in compliance with the Kansas Statute.

It was recommended that all alternatives for this proposed project be further explored and the project be reviewed again at the next meeting.

Action: Review at the January 8, 2001 meeting.

7. Improvement District/Paving Proposals

Mike Lindebak, Public Works Engineering, presented information regarding three related proposals for an Improvement District located north of 21st Street and west of 119th Street. Properties included in the proposal include Cedar Downs Addition, Cedar Downs Second Addition, and Cedar Downs Third Addition. Lindebak stated that the Improvement District designation would allow for paving projects including Cedar Downs Lane, Cedar Crest, and Wheatridge Streets as requested by residents through the petition process. He noted that the residents had also requested the area be annexed. Although the area was previously designated for future annexing by the City, the annexation would to be changed to an earlier date in conjunction with the paving project. With the new schedule, the public hearing would take place in March or April of 2001, and construction of the streets would occur approximately one year later. Lindebak stated that the petitions had been signed by a majority of both the number of landowners and the total area, as required by the County petition process. He added that petition signatures represented a range of 51.3% up to 55.8% of the property owners by number and/or total area. He also explained that for a petition to be considered by the City, the signatures are required to represent either a majority by number or by total area.

Ed Frederick, 2518 Wheatridge, spoke in protest of the project. **Vincent Wesolowsky, 2400 Wheatridge**, read a statement that included several questions/points of contention: 1) history of the petition process for this project; 2) questioned that the majority of owners had signed the petition; 3) asked if all of the property owners along 119th Street were fully assessed and understood the driveway is not included; 4) asked why the petition is based on the number of property owners and not just square feet? **Lindebak** explained the County requirements for a petition to meet qualifications for consideration and also clarified that the City nor County neither initiates nor circulates the petitions. **Council Member Martz** added that circulation of a petition may end when the residents coordinating the process recognize that the minimum 51% has been reached. **Wesolowsky** asked how the petition process could be changed? **Lindebak** stated that for the City to change their process, a request would need to present at a City Council meeting. **Council Member Martz** assured the residents that the Council tries to be as fair as possible. He added that the issue for the DAB at this time is to consider the information and make a recommendation on whether the Council should support the paving request, or not. **Wesolowsky** then asked who had authority in this area, the City or the County? **Lindebak** stated that the State of Kansas gives the City authority in growth areas.

Another member of the public, **Terrance Carney, 2331 Wheatridge**, stated that he was concerned about the secrecy of how this petition process was handled and about the difficulty for some residents to pay for the paving. He stated that he was not opposed to the paving but disturbed about the approach. **Council Member Martz** responded that he was open to any solutions. **Steve Harshbarger, 2564 Wheatridge**, asked if he could respond to several points made by previous speakers. He noted that the issues caused by the unpaved streets had worsened since the area was established in 1972 with only three or four homes but now that 71 lots exist, the impact has been multiplied. He also stated that no matter what the outcome, he hoped no animosity would exist within the neighborhood, defending the process by stating that every resident was given a n opportunity to "vote." He explained that the petition was not submitted until everyone was contacted and given a chance to sign or not. He stated that as only County residents, they were not receiving needed services including only grading twice a year and no

assistance from the township for the poor drainage in the ditches. Harshbarger again defended the way the petition process was handled in the area.

Duane Moore, 2318 Cedar Downs, asked if the annexation would affect the petition process. **Lindebak** explained again that the City requires only the majority of front footage or number of property owners, making it easier through the City to obtain the paving. **Ed Fredrick, 2514 N. Wheatridge**, asked if the width of the road would be changed if paved. **Lindebak** said the City tries to keep the design of the road as wide as possible. **Eugene A. Roif, 2505 Wheatridge**, stated that he had no animosity about the petition process and viewed the paving as an investment. **Don Stearnes, 2440 N. Wheatridge**, said he had lived in his home since 1982 and that it is a great neighborhood. He also defended the petition process stating that it was handled fairly with much time and effort involved.

Bulman moved and it was seconded that the Board recommends the paving project be approved. Motion passed unanimously.

Action: Recommended approval be given by City Council for designation of an Improvement District and proceeding with paving projects, as requested (9-0).

(Community Police Officer Lacy required to leave at approximately 10:00 p.m.)

Traffic Agenda

No items were scheduled.

Unfinished Business

8. Recreational Vehicle (RV) and Commercial Vehicle Parking

The Board heard concerns related to the parking issues as presented by staff and reflected in background information previously provided. They discussed several concerns that affect the residential neighborhoods as a result of recreational and commercial vehicles parking including personal experiences with this issue. It was noted that the issue is often resolved in homeowner associations throughout the district due to a relevant covenant enforced by association board members. A commercial vehicle was clarified as a Class A Vehicle. Support was acknowledged for a “visiting RV” and the allowance of parking on a residential street for a limited amount of time if the vehicle does not create an unsafe situation such as a visual barrier for motorists and other similar conditions. The issue of feasibility to enforce was acknowledged as critical for effectiveness whatever the restrictions.

Bulman stated that he preferred to create an ordinance for each type of vehicle, recreational and commercial, allowing for visiting RVs but restricting Commercial Vehicles in residential neighborhoods. Board Members agreed they would like more time to explore solutions and barriers.

Action: Postpone recommended solutions until January 8th meeting (9-0).

9. Engine Compression Release Brakes (“Jake Brakes”)

The Board discussed issues presented in the background information and through personal knowledge in consideration of possible solutions to restrict the neighborhood nuisance of excessive noise caused by the braking system. Issues included current allowance of the brake use on state and interstate highways; use of the braking system as a safety feature when the need to

brake quickly arises; enforcement of a City ordinance restricting use; inability to apply the existing noise ordinance; identified geographical areas of concerns; and, solutions utilized by other communities. The Law Department has recommended that the City consider one possible solution—the City Council working with the County Commission to establish a county ordinance restricting use of the braking system to allow enforcement by City Police Officers, County Sheriff Officers, and State Highway Troopers and informing truck drivers of the restriction through signage.

Action: Recommend the City Council explore issuing a request to the County Commission to consider creating a county ordinance to restrict engine compression release brakes, allowing enforcement by city, county, and state law enforcement as suggested by the City Law Department (6-3).

New Business

None scheduled.

Board Agenda

10. Community Policing Report

Community Police were required to leave the meeting before this item could be presented.

Other

11. Next Meeting

The next scheduled meeting of the District V Advisory Board will be held on January 8, 2001 at 7:00 p.m. in the Meadowlark Room at the Sedgwick County Extension Center.

The meeting was adjourned at 11:25 p.m.

Submitted by,

**Dana Brown
Neighborhood Assistant/Supervisor**

Guests

Les Shepherd	2221 Cedar Crest Drive
Dwane L. Moore	2318 Cedar Downs
Starr L. Moore	2318 Cedar Downs
Terry Carney	2331 Wheatridge
Mary Carney	2331 Wheatridge
Carl Brown	2447 N. Wheatridge
Jenny Brown	2447 N. Wheatridge
Sally Loehr	2504 Cedar Downs Lane
Steve Harshbarger	2564 Wheatridge
James Carlisle	2561 N. Cedar Crest Drive
J.T. Cocke	2335 N. Cedar Downs
Rev. Mike Leicher	2320 N. Cedar Crest Drive
Janis Swanson	1820 S. Lark
W.F. Sears	1900 S. Lark Lane
Emil J. Beilman	1720 S. Lark Lane
Eleanor V. Beilman	1720 S. Lark Lane
J.C. Wesolowsky	2400 N. Wheatridge
Terey Schmidt	10615 Carr
Charles Schmidt	10615 Carr
Alan Johnson	10616 Carr
George Walta	10630 Carr
Doyle Overlager	1724 Lark
Dianna Lingg	2428 N. Cedar Downs
Edward L. Arnold	2510 N. Wheatridge Drive
Eugene A. Roif	2505 N. Wheatridge
Ed Frederick	2518 N. Wheatridge
Jane Frederick	2518 N. Wheatridge
Bryan Quiggle	2560 Cedar Crest
Donna Quiggle	2560 Cedar Crest
Jeff Dumcum	1843 S. Turner
Kim Dumcum	1843 S. Turner
Jack Dumcum	10629 Carr
Jan Dumcum	10629 Carr
James B. Brakey	1670 S. Lark Lane
Don Stearns	2440 N. Wheatridge
Larry Burchfeil	2401 N. Cedar Crest Drive
Darrell J. Chew	2528 Cedar Downs Lane
Theresa A. Neal	2311 Cedar Crest Drive